IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

Bail Appl..No. 1838 of 2007()

CRIME NO.120/07 OF CHAVARA POLICE STATION

: PETITIONERS/ACCUSED 2,3, & 4

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1. SUDHEER, S/O.ABDUL LATHEEF,
KUMBALATH KOLAM MURIYIL, PONAMANA, CHAVARA.

2. NISHAD, S/O.ALIYARU KUNJU,
ALUMMOOTTIL THEKKATHIL, POROOKKARA MURI,
EDAPPALLICOTTA P.O., CHAVARA.

3. NASEER KHAN, S/O.KASIMKUNJU,
KOLAM MURIYIL, PONMANA VILLAGE,
EDAPPALLICOTTA P.O., CHAVARA.

BY ADV. SRI.K.ABDUL JAWAD

RESPONDENTS: COMPLAINANT

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1. STATE OF KERALA, REPRESENTED
BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
CHAVARA POLICE STATION.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1838 OF 2007

Dated this the 27th day of March, 2007

O R D E R

Petitioners, who are accused Nos.2 to 4 in Crime No.120/07 of Chavara Police Station for offences punishable under sections 143, 147, 148, 323 and 307 read with section 149 IPC, seek anticipatory bail.

2. Learned Public Prosecutor vehemently opposed the application.

3. The case of the prosecution is that at about 4.45 p.m. on 20.2.2007 the defacto complainant, a plus two student, was assaulted by six persons including the petitioners armed with iron rod, sword, etc. and he has sustained incise injuries.

4. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioners to surrender before the Investigating Officer for interrogation and then to have their application for regular bail considered by the Magistrate concerned. Accordingly, the petitioners are directed to surrender before the Investigating Officer on any day between 2.4.2007 and 4.4.2007 for the purpose of interrogation and recovery of incriminating materials, if any. The petitioners shall, thereafter, be produced on the same day before the concerned Magistrate, who on being satisfied about the interrogation shall release the petitioners on bail on appropriate conditions.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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